IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 2304 OF 2004

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: 18TH FEBRUARY, 2005

P.C.:

1. Heard. Perused the record. Apparently, the application for furlough leave has been rejected solely on the ground that the surety did not appear before the police officer when called for. Such a order cannot be sustained as it is not only contrary to the provisions of law but against the basic principles of natural justice. Hence the impugned order rejecting the furlough leave is set aside and the authorities are directed to reconsider the application in accordance with the provisions of law. In case the respondent desires to have another surety, certainly, the respondent can call the petitioner to furnish such other surety. However, only because one surety fails to appear before the

police officer that by itself cannot be a ground for rejecting the application. Hence, the impugned order is set aside and the application is directed to be decided within four weeks from today. Petition accordingly stands disposed of.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)